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Harper Insurance Limited

**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

RAILROAD INSURANCE UNDERWRITERS,

Plaintiff,

CERTAIN UNDERWRITERS AT LLOYD'S,  
LONDON, EXCESS INSURANCE COMPANY  
LIMITED and HARPER INSURANCE LIMITED,

Defendants.

Civil Action No. 07-cv-3071 (LLS) (RLE)

Hon. Louis L. Stanton, U.S.D.J.

**SUPPLEMENTAL CERTIFICATION  
OF BRIAN E. O'DONNELL**

[Electronically Filed on May 31, 2007]

I, BRIAN E. O'DONNELL, of full age, hereby certify that:

1. I am an attorney at law admitted to practice in this Court, and am a member of the firm of Riker, Danzig, Scherer, Hyland & Perretti LLP, attorneys for defendants Excess Insurance Company Limited ("Excess") and Harper Insurance Limited ("Harper") (collectively, "Reinsurers") in the captioned matter. As such I am fully familiar with the facts set forth below.

2. I submit this Supplemental Certification in further support of Defendants' Motion for an Order Dismissing the Litigation and Compelling Arbitration.

3. Attached as Exhibit A is a copy of a document which was provided to Reinsurers by the broker representing Railroad Insurance Underwriters, Inc. ("RIU") in connection with one or more of the reinsurance agreements at issue in this matter.

4. Attached as Exhibit B are copies of excerpts from a treatise authored by Graydon S. Staring, Law of Reinsurance §§ 15.8, 21:4 and 21.5 (2005).

5. Attached as Exhibit C are copies of excerpts from a treatise authored by Barry R. Ostrager and Mary Kay Vyskocil, Modern Reinsurance Law and Practice, §§ 5.03 and 5.04 (2nd Ed. 2000).

6. Attached as Exhibit D are copies of excerpts from a treatise authored by Robert W. Hammesfahr and Scott W. Wright, The Law of Reinsurance Claims § 11.6 B (1994).

7. Attached as Exhibit E is a copy of an unpublished decision, Elcom Techs. Corp. v. American Dynasty Surplus Lines Ins. Co., Nos. 98-13343SR, 99-0951, 2000 WL 1470217 (E.D. Pa. Oct. 3, 2000).

8. Attached as Exhibit F is a copy of an excerpt from a treatise edited by Robert W. Strain, Reinsurance Contract Wording 94-96 (3rd ed. 1998).

I certify under penalty of perjury that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed on May 31, 2007

By: \_\_\_\_\_/s/  
Brian E. O'Donnell (BEO-7458)  
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